

## **EXHIBIT A**

**FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

IN RE: ETHICON, INC.,  
PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

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THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # \_\_\_\_\_**  
(Case Management)

The Court hereby **ORDERS:**

1. Pending Bankruptcy Proceedings. By **November 1, 2013**, Defendants shall identify the Plaintiffs who appear to have filed for bankruptcy protection between the date of the initial implant surgery and the filing of the complaint. At that time, Defendants shall move to dismiss those claims with prejudice or, alternatively, for an order to show cause why these claims should not be dismissed with prejudice on the basis of judicial estoppel.

2. Duplicative Filings. By **November 1, 2013**, Defendants shall identify those Plaintiffs who have filed or served duplicative complaints, and move for the dismissal of all but one complaint.

3. Compliance with PTO #17. By **December 1, 2013**, Defendants shall identify those Plaintiffs who have failed to provide with their PPF medical records beyond those establishing proof of implant. At that time, Defendants shall move to dismiss those claims with prejudice or, alternatively, for an order to show cause why these claims should not be dismissed with prejudice. Defendants may also seek costs and the imposition of any sanction.

4. Statute of Limitations. By **January 1, 2014**, Defendants shall identify the Plaintiffs whose implant surgery was more than four years before suit was filed, and thus appear to be time-barred under the applicable statute of limitations. At that time, Defendants shall move to dismiss those claims with prejudice or, alternatively, for an order to show cause why these claims should not be dismissed with prejudice as untimely.

5. Foreign Plaintiffs. By **January 1, 2014**, Defendants shall identify the Plaintiffs who are not United States citizens. At that time, Defendants shall move to dismiss those claims with prejudice or, alternatively, for an order to show cause why these claims should not be dismissed under the doctrine of forum non conveniens.

The court **DIRECTS** the Clerk to file a copy of this order in 2-12-md-2327 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number \_\_\_\_\_. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at [www.wvsc.uscourts.gov](http://www.wvsc.uscourts.gov).

ENTER: \_\_\_\_\_, 2013

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Joseph R. Goodwin, Chief Judge